

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

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ROBERT R. DI CILIO
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**H. KEVIN INGRAM, on behalf of himself
and all others similarly situated,**

Plaintiff,

v.

**EXXON MOBIL CORPORATION
And SPENCER GIFTS, LLC,**

Defendants.

Case No. 04-2717-D

**ORDER DENYING AS MOOT THE MOTION OF DEFENDANTS TO DISMISS
(DOCKET ENTRY 4)**

Before the Court is the September 10, 2004 motion of Exxon Mobil Corporation and Spencer Gifts, LLC, ("Defendants") to dismiss the complaint of H. Kevin Ingram ("Plaintiff"), filed on behalf of himself and all others similarly situated. On February 7, 2005, the Magistrate Judge granted Plaintiff leave to file an amended complaint. Thereafter, on February 22, 2005, Defendants filed a motion to dismiss the first amended complaint. As such, the first motion to dismiss is rendered moot. Accordingly, the Court denies the motion to dismiss as moot.

IT IS SO ORDERED this 25 day of April, 2005.


**BERNICE BOUIE DONALD
UNITED STATES DISTRICT JUDGE**

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 4/24/05





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Honorable Bernice Donald
US DISTRICT COURT